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असाधारण

EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 9th January, 1976:—

BILL No. 45 OF 1975

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1975. Short title.

2. In article 74 of the Constitution, after clause (1), the following clause shall be inserted, namely:— Amendment of article 74.

"(*1A*) The size of the Council of Ministers shall not exceed ten per cent. of the strength of the House of the People."

3. In article 163 of the Constitution, after clause (1), the following proviso shall be inserted, namely:— Amendment of article 163.

"Provided that the size of the Council of Ministers shall not exceed ten per cent. of the total strength of the Legislative Assembly of any State except in cases of States where the strength of the Legislative Assembly does not exceed sixty."

STATEMENT OF OBJECTS AND REASONS

In our Constitution there is no provision stipulating the size of the Council of Ministers.

As a result of this, many a times the strange spectacle of Cabinet expansion, with no sense of proportion or justification has been witnessed. Cabinet expansion has been used as a technique to "accommodate" various groups and sections without bothering about the requirements of the State or the additional financial commitment involved in doing so. In several cases it has been found that some Chief Ministers are often expanding their cabinet as an exercise in naked political corruption.

In this context, it is necessary to put an end to this for making our political practices more just and clear. It would also help in avoiding criminal waste of public money by unscrupulous politicians for indulging in unholy political games.

Hence this Bill.

NEW DELHI;
The 5th April, 1975.

C. K. CHANDRAPPAN.

BILL No. 48 OF 1975

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1975. Short title and commencement.

(2) It shall come into force at once.

2. After article 342 of the Constitution, the following new article shall be inserted namely:— Insertion of new article 342A.

"342A. (1) There shall be a Special Officer for women to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for women under this Constitution on matters concerning their socio-economic and political status, and to report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament and sent to the Governments of States concerned.".

STATEMENT OF OBJECTS AND REASONS

Despite the constitutional guarantees and numerous legislations for providing equal status to women, the fact remains that the women in India are even today treated as second class citizens and inferior beings. Women are socially oppressed and economically dependent. This stands in the way of the emancipation of women and contributes greatly to the social backwardness of our country.

The condition of women would improve considerably, if proper implementation of several legislations which are meant for improving the socio-economic status of women, is ensured. Only under that condition, the constitutional safeguards provided to women would also have meaning. Today this guarantee is totally absent and everything is left to the mercies of the executive and administration. They are in no way accountable to Parliament.

As this is the situation, the bureaucrats and the Government often take a callous attitude towards the problems relating to the social status of women. It is necessary to put an end to this situation so that social progress would not be retarded.

Hence this Bill.

NEW DELHI;
The 11th April, 1975.

C. K. CHANDRAPPAN.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for appointment of a Special Officer for women. An estimated recurring expenditure of rupees two lakhs is likely to be involved from the Consolidated Fund of India on account of salaries of the Special Officer and his staff and other office expenses.

A non-recurring expenditure of about rupees fifty thousand is also likely to be involved.

BILL NO. 46 OF 1975

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution Amendment Act, 1975.

(*2*) It shall come into force at once.

Amendment of article 324.

2. In article 324 of the Constitution,—

(*a*) for clause (2), the following clauses shall be substituted, namely:—

"(*2*) **The Election Commission shall consist of the Chief Election Commissioner and two Election Commissioners, whose appointment shall be made by the President on the recommendation of both Houses of Parliament by a majority of the total membership of each House and by a majority of not less than two-thirds of the members present and voting.**

(2A) Persons who are Government officials or retired Government officials shall be ineligible to be appointed as Chief Election Commissioner or Election Commissioners.

(2B) There shall be constituted an Advisory Council by the Parliament to be associated with the work of the Election Commission, consisting of the representatives of the recognised all India political parties, for assisting the Election Commission and also for reviewing the functioning of the electoral system.

(2C) There shall be constituted Advisory Councils by the State Legislatures to be associated with the work of the Election Commission, consisting of the representatives of the recognised political parties in the States, for assisting the Election Commission and also for reviewing the functioning of the electoral system".

(b) in clause (3), the words "when any other Election Commissioner is so appointed" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

There is a widespread feeling among the people that the Election Commission should be democratised and its impartiality be strengthened. The one man Election Commission, as it is today, has developed into an institution which hardly reflects the democratic sentiment and consciousness of Indian people. It is today vulnerable to undemocratic methods and authoritarianism. It functions in such a manner that the political parties find it some times, not responsive to reason and democratic demands.

It happened very often that the Chief Election Commissioners were appointed from among the retired I.C.S. or I.A.S. personnel. These persons with their complete disregard and contempt for political parties and politicians, have contributed largely to the growth of bureaucratic practices and authoritarianism. There were occasions when these people even acted in questionable manner in regard to the impartiality of the Commission.

In a democracy like that of India, the political parties play a very vital role in practising and strengthening democracy. No one should be permitted to overlook or ignore this fact.

That is why this Bill seeks to amend the Constitution in such a manner that the composition of the Election Commission and the selection of personnel would ensure a better and democratic framework in future. The Bill also envisages the formation of an Advisory Council at the Centre and State Advisory Councils, consisting of representatives of recognised political parties. This would make the Election Commission more accountable to people. It would also add to the credibility of the Election Commission itself.

Hence this Bill.

C. K. CHANDRAPPAN.

NEW DELHI;
The 11th April, 1975.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for a three-member Election Commission and an Advisory Council to be constituted by Parliament for assisting the Election Commission. The proposed increase in the membership of the Election Commission and setting up of the Advisory Council is likely to involve a recurring expenditure of about Rupees two lakhs per annum from the Consolidated Fund of India in the shape of emoluments to be paid to the Chief Election Commissioner and other Election Commissioners and their personal staff and honorarium etc. to the members of the Advisory Council. No non-recurring expenditure is likely to be involved.

BILL NO. 47 OF 1975

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1975.

Amendment of article 81.

2. In article 81 of the Constitution,—

(*i*) for sub-clause (*a*) of clause (*1*), the following sub-clause shall be substituted, namely:—

"(*a*) members chosen by direct election, one from each territorial constituency having not more than five lakhs of voters, in the States, and";

(*ii*) in sub-clause (*b*) of clause (*1*), for the words "twenty members", the words "forty members" shall be substituted;

(*iii*) sub-clauses (*2*) and (*3*) shall be omitted.

Amendment of article 82.

3. In article 82 of the Constitution, the words "the allocation of seats in the House of the People to the States and" and "and in such manner" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

It is necessary to have a larger House of the People so that it would genuinely reflect in itself the aspirations of the people, their will and mood. A larger House of the People would undoubtedly enhance the authority of Parliament, as it would be closer to people. One of the essential factors which would ensure success for a healthy Parliamentary democracy is close contact between the electors and the elected. In order to ensure this, it is necessary to increase the numerical strength of the House of the People.

But the unfortunate tendency today is to limit the number of seats in the House of the People and thus make every Parliamentary constituency so unweildy with larger number of voters that it only helps to further alienate the members from their electorate and contributes to the weakening of Parliamentary democracy.

This Bill provides for a larger House of the People by providing one seat for every five lakhs of voters and more representation to Union territories.

NEW DELHI;
The 11th April, 1975.

C. K. CHANDRAPPAN.

FINANCIAL MEMORANDUM

Clause (1) of article 81 of the Constitution provides that the House of the People shall consist of not more than 525 members chosen by direct election from territorial constituencies in the States and not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

Clause 2 of the Bill seeks to amend article 81 of the Constitution with a view to provide for a larger House of the People by way of having one seat from each territorial constituency having not more than five lakhs of voters, and increasing the upper limit for Union territories from 20 to 40. By means of the proposed amendment the number of seats in the House of the People will vary with each census. It is estimated that the Bill, if enacted, would involve a recurring expenditure of about rupees fifteen to twenty lakhs only per annum on account of payment of salary, T.A., D.A., telephone facilities, etc. to the additional members when they are elected. Non-recurring expenditure of rupees five lakhs approximately will also be involved for additions and alterations in the existing seating arrangements in the Lok Sabha Chamber.

BILL NO. 49 OF 1975

A Bill further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Advocates (Amendment) Act, 1975.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 24.

25 of 1961.

2. In section 24 of the Advocates Act, 1961, in sub-section (1), in clause (c), the words "or has been a member of either House of Parliament for a period of not less than three years;" shall be inserted at the end.

STATEMENT OF OBJECTS AND REASONS

Ours is a parliamentary democracy and the members of Parliament are the duly elected representatives of the people. Some of the members of Parliament have no avocation or profession to pursue after the expiry of their term of membership. They are also not entitled to get any retirement benefits like pension, gratuity etc., which are enjoyed by Government servants after their retirement from service. In view of their advanced age and high social status and image, they also find it extremely difficult to take to ordinary avocations of life or employment after their retirement as members of Parliament. But in course of their membership of Parliament, even those members, who possess no legal qualifications or legal background, gather an intimate knowledge of and develop keen interest in the field of legislation, legal system and procedure and in consequential legal affairs arising therefrom. It is, therefore, felt that the relevant provisions in the Advocates Act, 1961 should be so amended that the members of Parliament falling under this category may get opportunities of enrolling themselves as Advocates after their retirement from the membership of Parliament and of pursuing a noble and independent avocation like legal profession. Thereby the members upon their retirement from Parliament will not only be able to earn their livelihood but also be able to continue to serve the nation by making full utilization of their legal knowledge, experience and maturity gained during the course of their membership of Parliament for a period of no less than three years, if not for the full term of Lok Sabha or Rajya Sabha, as the case may be. The Bill seeks to achieve this object.

Hence, it is necessary to incorporate an appropriate provision in the Advocates Act, 1961.

NEW DELHI
The 9th May, 1975.

SAKTI KUMAR SARKAR.

BILL NO. 62 OF 1975

A Bill to provide for funds and facilities, and to set up necessary bodies to ensure compulsory adult education in India.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Adult Education Act, 1975.

(*2*) It extends to the whole of India.

(*3*) It shall come into force, within six months from the date of its assent by the President, on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "adult" means any person belonging to the age group of 15 to 50 years;

(*b*) "agricultural worker" means any one who is a wage labourer engaged in agricultural operation;

(*c*) "farmers" means those who are engaged in farming and employing agricultural workers;

(*d*) "illiterate" means a person who does not know how to read and write;

(*e*) "literacy camp" means a camp organised for the purpose of promotion of literacy campaign by the Government;

(*f*) "one-man-literacy-centre" means a centre run to provide literacy to adult illiterates;

(*g*) "students" means students of secondary school and above;

(*h*) "worker" means any one who works in any factory which is considered a factory under the Factories Act, 1948. 63 of 1948.

Compulsory adult education.

3. Every adult illiterate shall be provided facilities for compulsory education for making him or her literate.

Literacy of workers.

4. (*1*) Every factory having a strength of hundred workers or more shall run a one-man-literacy-centre in its own premises for the education of its own illiterate workers.

(*2*) Factories having a strength of less than hundred workers each shall send their illiterate workers to one-man-literacy-centres situated in the locality where the factories are situated.

Literacy of agricultural workers.

5. Farmers shall send their illiterate agricultural workers to one-man-literacy-centres situated in the locality where the farms are situated.

Facility to workers and agricultural workers.

6. All the adult illiterate workers and agricultural workers shall be given one hour off, every day for one year, with pay, by their employers in order to enable them to join the literacy centres for education.

Penalty for employers and farmers.

7. If any employer or farmer denies the facility, provided for in section 6, to an adult illiterate worker or agricultural worker, he shall be liable to an imprisonment of six months or a fine of rupees one thousand, or both.

Penalty for workers and agricultural workers

8. (*1*) All illiterate adult workers and agricultural workers shall compulsorily join the one-man-literacy-centres for education for one year.

(*2*) If any adult illiterate worker or agricultural worker fails to join the one-man-literacy-centre for education, he or she shall be warned first and thereafter if he or she fails in doing this, the person shall be fined every day by deducting from his wage an amount which is equivalent to his pay for one hour.

(*3*) If any worker or agricultural worker fails to join the one-man-literacy-centre again in spite of the penalty imposed on him under sub-section (*2*) he or she shall be suspended from the job.

Literacy of other persons.

9. All adult illiterate persons, other than the adult illiterate workers or agricultural workers, shall have to join the one-man-literacy-centres compulsorily.

Stipend to male illiterates specified in section 9.

10. Every male adult illiterate person specified in section 9 shall be paid a stipend of rupees seventy-five per month for one year during the course of his studies in one-man-literacy-centre provided his monthly income does not exceed rupees one hundred.

Special stipend to women, Harijans and Tribals.

11. (*1*) Every female adult illiterate person specified in section 9 shall be paid a stipend of rupees one hundred per month for one year during the course of her studies in one-man-literacy-centre, whatever be her income.

(*2*) All adult illiterates, whether male or female, belonging to Scheduled Castes or Scheduled Tribes shall be paid a stipend of rupees one hundred per month during the course of their studies in one-man-literacy-centres.

Stipend to be paid out of Adult Education Fund.

12. The stipends provided for in sections 10 and 11 shall be paid from the Adult Education Fund.

Setting up of one-man-literacy-centres.

13. (*1*) **"One-man-literacy-centres" shall be set up by the Government in every ward of all Gram Panchayats in the country.**

(*2*) In class A and class B cities, there shall be set up twenty one-man-literacy-centres in every ward of the municipal corporations.

(*3*) In all the other towns, there shall be five to ten one-man-literacy-centres in every ward of the municipality.

Functioning of one-man-literacy-centres.

14. (*1*) One-man-literacy-centres shall be literacy schools for a batch of a minimum of forty adult illiterates.

(2) One-man-literacy-centres shall be fully manned by one person, who shall be the teacher in that centre.

(*3*) The persons for running one-man-literacy-centres shall preferably be selected from among the registered educated unemployed people and shall be paid by the Government a consolidated amount of rupees one hundred fifty per month.

(4) One-man-literacy-centres shall not be set-up in rented premises, but shall be set-up in some Government or any other public building or in buildings secured through Panchayats, Cooperative Societies, Libraries, Factories, Clubs, Schools or Colleges.

Compulsory students participation.

15. (*1*) It shall be compulsory for all students who complete secondary education and above to go for one year teaching in one-man-literacy-centres and literacy camps in the country.

(*2*) Secondary education certificates shall not be issued to the students who complete the secondary education before they complete this one year teaching, and those students who fail to do this without adequate reason shall be declared ineligible for any job.

Constitution of Adult Education Board.

16. (*1*) There shall be constituted an All India Adult Education Board which shall consist of—

(*a*) the Union Education Minister who shall be the Chairman of the Board;

(*b*) Education Ministers of all the States;

(*c*) Secretary of the Union Ministry of Education and his counterparts from all the States;

(*d*) five representatives of one-man-literacy-centres;

(*e*) five representatives of students;

(*f*) three representatives each from Central Trade Unions;

(*g*) three representatives of agricultural labourers;

(*h*) five representatives each of the industrialists and farmers;

(*i*) five representatives of newspapers;

(*j*) one representative each of all Universities;

(*k*) ten representatives of women;

(*l*) five representatives each of Parliament and State Legislatures.

(*2*) The term of the All India Adult Education Board shall not be more than three years.

Functions of Adult Education Board.

17. The Adult Education Board shall—

(*a*) handle the Adult Education Fund established under section 21;

(*b*) plan, coordinate and conduct the national campaign for adult education;

(*c*) produce necessary books, literature and audio-visual education equipments for adult education;

(*d*) organise teachers', training and refresher courses;

(*e*) organise mass campaign to popularise the adult education programmes.

Constitution and functions of Executive Committee.

18. (*1*) There shall be an Executive Committee of the Adult Education Board which shall consist of—

(*i*) the Union Education Minister;

(*ii*) the Secretary of the Union Ministry of Education;

(*iii*) two State Education Ministers to be selected by rotation;

(*iv*) one representative each of the one-man-literacy-centres and students;

(*v*) one representative each of industrialists and farmers;

(*vi*) one representative each of workers and agricultural workers;

(*vii*) one representative of women;

(*viii*) one representative of Universities;

(*ix*) one representative of newspapers;

(*x*) one representative each from Parliament and State Legislatures.

(*2*) The Executive Committee shall be fully responsible for implementation of the decisions of the Adult Education Board and shall deal with all funds of "Adult Education Fund."

19. There shall be levied and collected a literacy cess for the purposes of this Act by way of a surcharge on income-tax at the rate of ten per cent. of such income-tax; Levy and collection of literacy cess.

Provided that in the case of agricultural income, the literacy cess shall be levied and collected by way of a surcharge on land revenue or surcharge on cess on agricultural produce, as the case may be, at the rate of ten per cent. of such land revenue or cess on agricultural produce.

20. The proceeds of literacy cess levied under section 19 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Adult Education Board, from time to time, from out of such proceeds, such sums of money, as it may think fit. Crediting proceeds of cess to Consolidated Fund of India.

21. (1) There shall be established a Fund to be called the Adult Education Fund to which shall be credited— Establishment of Adult Education Fund.

(a) the proceeds of the cess made over to the Board by the Central Government under section 20; and

(b) all fines collected under sections 7 and 8.

(2) The Fund shall be applied towards meeting the expenses of the Board and the cost of measures referred to in sections 10, 11 and 17.

22. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to each of the States by way of grants such sums of money as the Central Government may consider necessary. Grants to States.

23. (1) The Central Government may, by notification in the Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is one of the greatest failures of India that she could not wipe out the blot of illiteracy from her face. It is a shame that in absolute terms illiteracy has grown in our country since independence. That means that in India today we have more illiterates amongst us than what we had in 1947 at the time of our independence.

In India at present we have slightly over 70 per cent. of population who are absolutely illiterate. India is one of the countries with largest number of illiterates.

This is not an enviable situation. Considering the great magnitude of the problem, the Government had taken hardly any measure to do away with this serious social malady. The Government never had shown a sense of urgency to fight this social menace. It always felt satisfied in merely undertaking some routine and formal steps for fighting illiteracy.

In modern world, especially in socialist countries, fighting and eradicating illiteracy had been given top priority. It has been considered as one of the essential pre-requisites for achieving social progress and providing strength and vitality to democracy. The classical experience of the Asiatic republics of the Soviet Union, Mongolia and Cuba in removing illiteracy in shortest possible time with mass literacy movement is inspiring and worth studying. The way illiteracy has been fought by the heroic people of Vietnam and Cambodia even when their country was engulfed in the flames of war provides us inspiring lessons in fighting illiteracy with determination, as against any other enemies. But in India Government has allotted a meagre amount of money for literacy campaign and left it mainly with few voluntary bodies.

But what is needed is a massive and time bound effort on a war footing with the aim of removing illiteracy from India. For that, India and her people will have to take some drastic measures. We have to find out resources too.

This Bill seeks to provide institutional guarantees, facilities and funds for this purpose.

NEW DELHI; C. K. CHANDRAPPAN.

The 31st March, 1975.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. H.11016/8/75-AE.2, dated the 27th May, 1975 from Prof. S. Nurul Hasan, Minister of Education, Social Welfare and Culture to the Secretary-General, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill, recommends to the House the introduction and consideration of the Bill under article 117(1) and 117(3) respectively of the Constitution.

FINANCIAL MEMORANDUM

Clauses 10 and 11 of the Bill provide for payment of stipend to adult illiterates who join the literacy-centres. Clause 17 provides for various functions of the Board, *e.g.*, national campaign to popularise adult education programmes, production of necessary books, etc. Expenditure on these accounts will be met from the Adult Education Fund.

Under clause 13, one-man-literacy-centres will be set up by the Government. A monthly salary of rupees one hundred fifty will be paid to teachers at the centres under clause 14.

With a view to raise the necessary resources for carrying out the purposes of this Act, clause 19 of the Bill seeks to provide for levying a literacy cess. The proceeds of the literacy cess will be paid into the Consolidated Fund of India and out of such proceeds shall be paid by the Central Government through appropriation by Parliament by law in this behalf such sums of money to the Adult Education Board as it thinks necessary (clause 20).

As responsibility has been cast on the State Governments to set up and run the literacy centres, clause 22 of the Bill provides for payment of grants to States after due appropriation made by Parliament. The Central Government will also have to spend moneys on literacy-centres set up by it in the Union territories.

Expenditure will also be involved on the collection of literacy-cess, though by way of a surcharge, to some extent.

In view of the above, a recurring expenditure of about rupees one hundred twenty crores is likely to be involved from the Consolidated Fund of India.

An approximate amount of rupees ten crores is likely to be required from the Consolidated Fund of India towards non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to frame rules to carry out the purposes of the Act. As the rules will relate to matters of detail, the delegation of legislative powers is of a normal character.

BILL NO. 61 OF 1975

A Bill to provide for the establishment of a Board to safeguard the rights of children, students and youth, to look after their welfare and to levy a cess and for matters connected therewith.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Children, Students and Youth (Rights and Welfare) Act, 1975.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration as to expediency of control by the Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the matters connected with the rights and welfare of the children, students and youth.

Definitions.

3. In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Youth Rights and Welfare Board constituted under section 4;

(*b*) "Cess" means the cess levied under section 13;

(*c*) "children" means children below six years of age;

(*d*) "Children's Palace" means a well equipped place where children will be provided all facilities for entertainment, study and recreation;

(*e*) "creches" means creches where children are looked after;

(*f*) "School Parliament" means Parliament elected by students of every school for the purposes of getting training in Parliamentary democracy;

(*g*) "students" means students studying in any of the recognised educational institution in India;

(*h*) "youth" means any young person belonging to the age group of 15 to 30 years including the children between 6 to 15 years of age who are not students.

Establishment and constitution of Youth Rights and Welfare Board.

4. (*1*) With effect from such date, as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the purposes of this Act a Board to be called the Youth Rights and Welfare Board.

(*2*) The Board shall consist of a Chairman and such number of other members not exceeding forty as the Central Government may think expedient, to be appointed by the Central Government by notification in the Official Gazette from among persons who are in its opinion capable of representing various sections as follows:

(*a*) five representatives of youth organisations;

(*b*) three representatives of students' unions, two representatives of students' organisations and two representatives of National Union of students;

(*c*) three representatives of political parties;

(*d*) three representatives of Parliament of whom one shall be from the Council of States and two from the House of the People;

(*e*) two representatives each of teachers from primary schools, secondary schools and colleges;

(*f*) two representatives of the teachers of creches;

(*g*) four representatives of young women;

(*h*) seven representatives of the Government;

(*i*) three representatives of any special opinion or section, who in the opinion of the Government, ought to be represented in the Board.

Chairman and Vice-Chairman of the Board.

5. (*1*) The Chairman shall be a non-official, nominated by the Central Government, who shall be entitled for salary and allowances which may be fixed by the Board.

(*2*) The Vice-Chairman shall be elected from among the members of the Board, who shall act as Chairman in the absence of the Chairman and also assist the Chairman in matters assigned to him.

Executive Committee.

6. (*1*) There shall be an Executive Committee of the Board for executing the decisions of the Board and to run the administration and day to day activities of the Board.

(*2*) The Executive Committee shall consist of—

(*a*) the Chairman;

(*b*) the Vice-Chairman;

(c) eight members, elected by the members from among them, of whom there shall be three student representatives and two youth representatives but there shall not be more than two Government officials.

Secretary.

7. The Central Government shall, in consultation with the Board, appoint a Secretary who shall exercise such powers and discharge such duties as are assigned to him by the Board or are delegated to him by the Chairman.

Staff.

8. The Board may appoint officers and staff subject to control and restrictions prescribed by the Board.

Functions of the Board.

9. (*1*) It shall be the duty of the Board to safeguard the rights of the children, students and youth and to look after their welfare.

(*2*) The Board shall plan, co-ordinate, guide and ensure that the welfare measures provided for in this Act for children, students and the youth are implemented by the Union Government and State Governments.

(*3*) The Board shall handle the "Youth Welfare Fund".

Functions of the Executive.

10. The Executive Committee of the Board shall be responsible for the implementation of the decisions of the Board.

Dissolution of the Board.

11. (*1*) The Central Government may dissolve the Board, if it deems it necessary.

(*2*) In the event of dissolution of the Board, all the assets and liabilities of the Board shall, during the period of dissolution, be vested in the Central Government.

Term of the Board.

12. (*1*) Once a Board is constituted it shall be in office for three years, unless it is dissolved.

(*2*) As soon as the term of the Board expires, the Central Government shall constitute a new Board in accordance with the provisions of this Act.

Levy and collection of Youth Welfare Cess.

13. (*1*) **With effect from such date, as may be specified by the Central Government by notification, there shall be levied and collected a Youth Welfare Cess for the purposes of this Act by way of a surcharge on income-tax, wealth tax, sales tax, property tax, all land taxes, death duty and corporate taxes at the rate specified in sub-section (*3*).**

(*2*) The Cess levied under sub-section (*1*) shall be collected by such agencies and in such manner as may be prescribed.

(3) The rates of Youth Welfare Cess to be levied under sub-section (1) shall be as follows:—

(a) 3 per cent on all income-tax which does not exceed Rs. 5,000;

(b) 10 per cent on all income-tax which does not exceed Rs. 50,000;

(c) 15 per cent on all income-tax which does not exceed Rs. 100,000;

(d) 20 per cent on all income-tax which exceeds Rs. 100,000;

(e) 5 per cent on all wealth tax;

(f) 3 per cent on all sales tax;

(g) 5 per cent on all property tax;

(h) 25 per cent on all land taxes;

(i) 10 per cent on death duty;

(j) 2 per cent on all customs duty.

Crediting proceeds of cess to Consolidated Fund of India.

14. The proceeds of the cess levied under section 13 shall first be credited to the Consolidated Fund of India and the Central Government may thereafter, from time to time, pay to the Board, such amounts the Board may require after deducting the expenses on collection of cess.

Grants to States.

15. The Central Government may after due appropriation made by Parliament by law in this behalf, pay to each of the States by way of grants such sums of money as the Central Government may consider necessary.

Establishment of Youth Welfare Fund.

16. (1) There shall be established a Fund to be called the Youth Welfare Fund to which shall be credited—

(a) the proceeds of cess made over to the Board by the Central Government under section 14; and

(b) all fines collected under this Act.

(2) The Fund shall be applied towards meeting the expenses of the Board and the cost of measures taken by the Board under this Act.

Welfare measures for children.

17. (1) **There shall be one creche each for a population of ten thousand, which shall be free for children.**

(2) All establishments having more than 200 working mothers as their employees shall have one creche each.

(3) All children below the age of six years shall be admitted in creches.

(4) **All children admitted in the creches shall be provided with free food, medical care, dress, toys, books and all other essential requirements.**

(5) All children in creches shall have a uniform with a common design used for the entire country.

(6) **There shall be one Children's Palace each for every 25,000 population.**

(7) No creches shall be permitted to be set up exclusively for the children of the elite and to charge higher fee from the children.

Welfare measures for students.

18. (*1*) All children above the age of six years shall be compulsorily admitted in a school.

(*2*) **There shall be one primary school for every 3,000 population, one secondary school for every 25,000 population and a college for every 50,000 population.**

(*3*) Parents whose children are not sent to schools at the age of six years shall be liable to a fine of Rs. 500 or an imprisonment of six months or both.

(*4*) Only on adequate grounds of health any child shall be exempted from joining school.

(*5*) **Education shall be compulsory and free upto the completion of primary stage and free upto the completion of secondary stage.**

(*6*) All "public schools" run on the pattern of British public schools for the children of elite shall be banned and abolished.

(*7*) **All students whose parents are having an income of less than Rs. 300 per month shall be provided with free midday meal, books, school uniform and other educational equipments, besides a grant of Rs. 100 each at the beginning of every academic year.**

(*8*) **In every school there shall be one cooperative store, through which all amenities of education and other requirements of school shall be sold at cheaper rates.**

(*9*) **Every educational institution shall have a library reading room, recreation centre and playground.**

(*10*) **Every secondary school and college shall have a laboratory.**

(*11*) **All students in University classes the income of whose parents is below Rs. 500 per month shall be provided free education:**

Provided that where more than one student from a family are studying in University classes such students shall be entitled for free education provided their parents' income is below Rs. 750 per month.

(*12*) **Any student who obtains more than 60 per cent of total marks shall be given a scholarship.**

(*13*) **Students belonging to Harijans, Tribals and Scheduled Castes shall be given free education at all levels and shall be given such other financial assistance which may be fixed by the rules made under this Act.**

(*14*) There shall be one school Parliament in every school elected and democratically functioning.

(*15*) There shall be students Unions in every college, elected and democratically functioning.

(*16*) There shall be University students Union in every University, consisting of elected representatives of the college students Unions.

(*17*) There shall be a National Union of students consisting of elected representatives of the University students Unions.

(*18*) Students representatives shall be ensured 20 per cent of representation in all the University Courts/Senate and there shall be adequate students representation in Executive/Syndicate and all the administrative and academic bodies of all the Universities.

(*19*) No students or child shall be caned by teachers.

Welfare measures for the Youth.

19. (*1*) Every youth shall have the right to work and shall be provided with an employment.

(*2*) In case a youth is involuntarily unemployed, six months after he has been registered in an Employment Exchange for a job, he shall be given unemployment compensation, the criteria for which may be prescribed by the rules made under this Act.

(*3*) On completion of the age of 18 years, every youth shall have the right to decide about his or her marriage and divorce.

(*4*) Any arbitrary interference in the matters relating to marriage and divorce by any one shall be an offence for which he or she shall be liable to a fine upto Rs. 5,000 or imprisonment upto three years, or both.

(*5*) Every married couple shall be provided with an accommodation for which they shall pay a percentage of their combined income as rent as follows:—

Combined income per month	Rent per month
Below Rs. 500	3 per cent
Rs. 500 to Rs. 750	4 per cent
Rs. 750 to Rs. 1000	5 per cent
Rs. 1000 to Rs. 1500	10 per cent
Rs. 1500 and above	15 per cent

(*6*) There shall be one public recreation centre for the youth everywhere, where the population is not less than 20,000 and these centres shall be provided with coaches to train the youth regularly in sports and games.

(*7*) There shall be an open air theatre for every 10,000 population.

(*8*) In every Gram Panchayat there shall be one public library and in every ward one reading room but in cities and towns there shall be a reading room and a library for every 5,000 population.

(*9*) There shall be one playground for every 3,000 population.

(*10*) In every town there shall, be at least one Stadium.

(*11*) Facilities for free medical check up shall be provided for the youth all over the country.

(*12*) Arrangements for cheaper medical care shall be made everywhere.

Measures for women welfare.

20. (*1*) The Board shall take special steps to ensure strict enforcement of all existing laws concerning women including laws in respect of prohibition of dowry, child marriage, child betrothal, immoral trafficking among

women, and laws concerning registration of marriages and giving maternity benefits.

(2) The Board shall investigate all matters relating to the implementation of all existing laws concerning welfare of women and suggest to the appropriate Government measures to make implementation of such laws more effective, and shall also suggest required changes in existing laws or shall suggest fresh legislation where it does not exist in a particular field of women welfare.

Rules.

21. The Central Government may make rules for carrying out the purposes of this Act.

Bye laws.

22. The Board may make bye-laws consistent with the provisions of this Act and rules made thereunder.

STATEMENT OF OBJECTS AND REASONS

The future of any country lies in the fact how its younger generation is looked after, moulded and taken into confidence. If a society succeeds instilling in them a sense of confidence, spirit of responsibility and higher consciousness about their social obligations, nothing is a greater guarantee than that in building up a bright future. To achieve this the State should unhesitantly guarantee the rights of the young people.

They should be looked after when they are children. They should have the right and facilities to educate themselves. They should have the right to work, the right to freely choose a partner in life without any interference. They must be provided with a decent means of livelihood. Every one should have a roof over his head. All these should be provided and there should be statutory guarantee for these.

To mould the young in a democratic frame work, to give them training and practice in democracy, it is essential to provide for the smooth functioning of school Parliaments, students unions and National Union of Students as training grounds for democracy. The students representation in all the administrative and academic bodies of the Universities provides the students say in matters connected with university life.

These rights would make them more responsible as they would feel a sense of involvement and it would help to ease many a social tensions.

It is unfortunate that in India even today, the Government has not taken any serious step in this direction. The approach of the Government towards the problems of our young generation is unscientific and orthodox in many ways. It blames the youth for youth revolt and dealing their problems merely as a problem of law and order.

This kind of approach has proved to be a fiasco all over the world. In striking contrast to these, stands the creative policy and sympathetic approach towards the youth and their problems being pursued by Governments of the Socialist countries. They created conditions under which the younger generation is positively contributing towards social progress. They are happy and contended and they are no more the source of any social tension.

This Bill provides funds and institutional guarantees so that our youth, students and children would be provided with better conditions of life, studies and work and their rights ensured.

NEW DELHI; C. K. CHANDRAPPAN.

The 12th April, 1975.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 6-20/75-Plg. II, dated the 28th May, 1975 from Prof. S. Nurul Hasan, Minister of Education, Social Welfare and Culture to the Secretary-General, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill recommends to the House the introduction and consideration of the Bill under article 117(1) and 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Under clause 14 of the Bill, proceeds of Youth Welfare Cess shall first be paid into the Consolidated Fund of India and out of such proceeds shall be paid such sums of money to the Youth Welfare Board as the Board may require for carrying out its functions.

As the Government would have to implement various welfare measures provided for in clauses 17, 18 and 19 of the Bill, clause 15 thereof provides for payment of grants to States. The Central Government will also have to spend moneys on welfare measures in the Union territories.

The collection of Youth Welfare Cess under clause 13 will also involve some expenditure from the Consolidated Fund of India.

In view of the above, a recurring expenditure of about rupees fifty crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail, the delegation of power is of a normal character.

BILL NO. 3 OF 1976

A Bill to repeal the Maintenance of Internal Security Act, 1971.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Maintenance of Internal Security (Repeal) Act, 1976.

(*2*) It shall come into force at once.

Repeal.

26 of 1971.

2. The Maintenance of Internal Security Act, 1971 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Maintenance of Internal Security Act, 1971 was passed after certain assurances were given to Parliament. Those assurances have not been kept.

Hence this Bill.

NEW DELHI;
The 10th July, 1975.

ERASMO DE SEQUEIRA.

S. L. SHAKDHER,
Secretary-General.

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